

CITY OF KANNAPOLIS, NC
PLANNING AND ZONING COMMISSION
Minutes of Regular Meeting
March 2, 2016

The Kannapolis Planning and Zoning Commission met on Wednesday, March 2, 2016 at 6:00 PM in the Laureate Center at 401 Laureate Way, Kannapolis, North Carolina.

Commission Members Present: Chairman David Baucom
Vice-Chairman Scott Trott
Chris Puckett
Bob Caison
David Steele
Alan Overcash

Commission Members Absent: William Cranford

Visitors:	Danny Smithson	Scott Hester	Karen Hester
	Baxter Shelton	Tammy Tucker	Robert Tucker
	Denis Arnold	Charles Williams	Patsy Williams
	Don Turner	Cindy Turner	Jim Hodgins
	Brenda Hodgins	Alan Goodman	Gwynn Goodman
	Bette Thomas	Doug Wilson	Everette Frick
	Phyllis Frick	Ronnie Lazenby	Martin Reinhard
	Beatrice Reinhard	Sharon Craig	L.S. McEachern
	Bob Nixon	Tony Zhang	Rick Burrage
	Kellie Reep	David Miller	Marty James
	Michele James	Jodi Burris	

Staff Present: Zachary D. Gordon, AICP, Planning Director
Josh Langen, Senior Planner
David Jordan, IT

Recording Secretary: Pam Scaggs

CALL TO ORDER

Commission Chairman David Baucom called the meeting to order at 6:01 P.M.

ROLL CALL AND RECOGNITION OF QUORUM

Recording Secretary Pam Scaggs called the roll. The presence of a quorum was recognized.

APPROVAL OF AGENDA

Chairman Baucom asked for a motion to approve the agenda which was made by Mr. Steele, seconded by Mr. Trott and the motion was unanimously approved.

APPROVAL/CORRECTION OF MINUTES

Chairman Baucom requested a motion to approve the February 3, 2016 minutes which was made by Mr. Caison, seconded by Mr. Puckett and the motion was unanimously approved.

Z-2016-01 – Kannapolis Parkway Rogers Townhomes – Zoning Map Amendment

Senior Planner, Josh Langen, made a PowerPoint presentation regarding case #Z-2016-01 for a zoning map amendment for rezoning approximately 136 acres from C-2-CZ/O-I-CZ/RL-CZ – General Commercial-

1 Conditional Zoning/Office-Institutional-Conditional Zoning/Residential Low Density-Conditional Zoning)
2 to C-2-CZ/O-I-CZ/RC-CZ/RL-CZ – General Commercial-Conditional Zoning/Office-Institutional-
3 Conditional Zoning/Residential Compact-Conditional Zoning/Residential Low-Density-Conditional
4 Zoning). The applicant is Robert Nixon and the property owner is Patricia McLeod. The property consists
5 of four (4) parcels; #5602-28-4977, #5602-19-3677, #5603-10-3716 and #5603.20.5223.
6

7 Mr. Langen directed attention to the aerial and current zoning maps for the subject property as well as the
8 Future Land Use Map where he pointed out a section that appears to be designated as floodplain area but
9 could not be determined how or why conclusion was made to designate as such. Mr. Langen explained that
10 the current zoning is restricted by a site plan that was approved by the Planning and Zoning Commission
11 on February 6, 2008 but has expired and cannot be developed without a re-adoption by the Commission.
12 He also explained that, in an attempt to try and stay as close to the current zoning as possible, a Conditional
13 Use application to allow for single-family attached dwellings, was presented to the Board of Adjustment
14 on January 19, 2016. The request was denied and as a result the applicant decided to seek the requested
15 rezoning.
16

17 Mr. Langen then directed attention to the applicant's site plans where he pointed out proposed commercial
18 sections along Kannapolis Parkway, the central entrance point and two secondary entrances to the north
19 and south of the central entrance. He also described the various types of homes proposed for the
20 development of the property as well as lot size.
21

22 Mr. Langen reviewed the criteria outlined in Section 3.3.5 of the UDO that the Planning and Zoning
23 Commission may consider in reviewing an application for a rezoning. He explained to the Commission
24 that the 2015 Land Use Plan (LUP) designates this property as being located within the Heavy Commercial,
25 Mixed Use and SFR1 Single-Family Residential Future Land Use categories. Mr. Langen stated that the
26 proposed site plan contains a mix of uses, including general commercial (which could include office uses),
27 two (2) types of single-family attached homes and single-family detached homes with a range of lot sizes.
28 Staff finds that the proposed rezoning and site plan complies with the 2015 Land Use Plan and is considered
29 reasonable.
30

31 Mr. Langen reminded the Commission of the actions requested and asked if there were any questions.
32

33 There was discussion about whether Milestone Avenue would connect with Dogwood Boulevard. Mr.
34 Langen responded that Milestone would run parallel with Kannapolis Parkway but would not connect to
35 Dogwood.
36

37 Mr. Overcash asked if the proposed density would or could change? Mr. Langen stated that the applicant
38 would have to comply with the zoning restrictions and further stated that RL zoning requires 1 acre lots and
39 cannot be changed.
40

41 Chairman Baucom asked what kind of buffers are being proposed? Mr. Langen responded that a Type 1
42 buffer (8 ft. - 12 ft.) is required but the applicant is proposing a more dense Type 2 buffer (10 ft. - 20 ft.) as
43 well as an additional 60 foot vegetative buffer. Mr. Langen also stated that the property currently has no
44 vegetation as it had been used as farm land. He added that the applicant has exceeded all of the buffer
45 requirements.
46

47 Mr. Trott asked what percentage of the development has to be open space? Mr. Langen responded that the
48 applicant has also exceeded the open space requirement. Mr. Trott asked if there was a place designated
49 for children to play? Mr. Langen stated the applicant has proposed one of two options which is to either
50 build an amenity center or connect with the Carolina Thread Trail.
51

1 Mr. Overcash asked if the Carolina Thread Trail was supposed to run along Afton Run Creek? Mr. Langen
2 responded that Afton Run Creek is a proposed alternate location for the Thread Trail.
3

4 Chairman Baucom stated, for the record, that the Commission packet contained confirmation that signs had
5 been posted to the property, adjacent property notification letters had been mailed and that public notice
6 had been advertised in the local paper.
7

8 There being no further questions or comments for Staff, Chairman Baucom invited the applicant to the
9 podium.
10

11 Bob Nixon, 19 Franklin Avenue, Concord, stated that he began working with Planning staff last year to
12 ensure that his proposal was in compliance with City regulations as well as NCDOT. Mr. Nixon stated that
13 although he was disappointed that the Board of Adjustment denied the Conditional Use request, he gleaned
14 information from the neighbors at that meeting as well as a neighborhood meeting he organized and made
15 adjustments to his original site plans consisting of larger lot size and additional buffers. Mr. Nixon also
16 provided additional detail regarding the types of housing being proposed.
17

18 Mr. Trott asked if Mr. Nixon had any pictures he could show that would better depict the proposed housing?
19 Mr. Nixon directed the Commission's attention to pictures of single-family attached housing units and
20 stated that this type of housing is popular with younger families. Mr. Nixon stated that this would be a
21 quality development and that he is selective about what builders he uses.
22

23 Mr. Puckett asked if there would be any rental units? Mr. Nixon responded that there would not be any
24 rental units, and that everything will be for sale. Mr. Puckett also asked if any traffic impact studies have
25 been conducted specifically for Rogers Lake Road near Shady Brook and Oakshade streets? Mr. Nixon
26 introduced Kellie Reep, 2040 Jefferson Ave., Gastonia, who stated that she is a professional engineer
27 licensed by the state of North Carolina. Ms. Reep said that they won't know where traffic will be impacted
28 until a more detailed traffic impact study can be conducted. She stated that they will have to meet with the
29 City to determine how the traffic should be distributed. Mr. Nixon reminded the Commission that NCDOT
30 designates traffic flow on state maintained roads but the intention is not to add additional traffic on to
31 Dogwood Avenue.
32

33 Mr. Trott asked if residents of the proposed single-family attached housing would be responsible for their
34 own landscaping or would be an HOA effort? Mr. Nixon responded that there is a growing demand for
35 that to be handled by an HOA but that has not been addressed to date. Mr. Trott then pointed out that the
36 townhome proposed lots depict single car garage but the plan allows for two (2) cars and asked how that
37 would be handled? Mr. Nixon introduced Rick Burrage, 3711 Penninger Road, Concord, who stated that
38 he is also a professional engineer licensed by the state of North Carolina. Mr. Burrage stated that the plan
39 does allow for two (2) vehicles but that is due to the requirement which states that a home containing two
40 (2) or more bedrooms, requires parking for two (2) vehicles. He also stated that minimum distance
41 requirements between the sidewalk and the garage have to be maintained so one (1) car can be parked in
42 the garage and one (1) vehicle parked in the driveway.
43

44 Mr. Steele asked if commercial site plans will still have to be approved even if zoning allows for commercial
45 development? Mr. Langen responded, "yes".
46

47 Chairman Baucom asked if the proposed townhomes and single-family attached housing can be moved to
48 a different location within the site plan to "make it work". Mr. Langen responded "no", the townhomes are
49 "stuck" in the RC zone portion of the proposed site plan. Chairman Baucom asked if there is any
50 contingencies in place to prevent the proposed RC portion from becoming multi-family housing? Mr.
51 Langen responded that multi-family housing is not permitted within the RC zone.
52

1 Mr. Overcash asked if all the buffer requirements were exceeded, why were buffers not installed along the
2 properties that abut to the Pine Creek neighborhood? Mr. Nixon stated that there were no buffer required
3 since those lots will be one (1) acre lots but that all buffers had been exceeded where they were required.
4 Chairman Baucom asked for confirmation that a neighborhood meeting was conducted and if it was well
5 attended? Mr. Nixon responded that yes, they conducted a meeting and that it was well attended and that
6 he gleaned valuable information from those in attendance. Mr. Overcash asked when the meeting was held
7 and if any changes were made a result of that meeting. Mr. Nixon responded that it was held on Sunday,
8 February 28 from 2:00 PM to 4:00 PM and that no changes were made.
9

10 There being no further questions or comments from the Commission, Chairman Baucom opened the Public
11 Hearing at 6:50 PM and asked that the public keep comments to 3 or 5 minutes.
12

13 Bette Thomas, 6018 Chardonnay Circle, stated that she sits on the Pine Creek HOA board and is
14 representing 35+ residents of the Pine Creek neighborhood. Ms. Thomas stated that she attended and spoke
15 at the Board of Adjustment meeting that was held in February about why the proposed development should
16 be denied. She referenced points made at that meeting: inconsistency of the proposed development
17 compared with adjacent properties; the average tax value of the homes on Rolling Ridge compared to those
18 of the proposed; the uniqueness of the area and how it should be reserved for high-end development; traffic
19 impacts and the overcrowding of the schools. Ms. Thomas stated that she attended the neighborhood
20 meeting held on Sunday and that Mr. Nixon was trying to convince them that there wouldn't be a lot of
21 children in the proposed development but Ms. Thomas disagrees since all of the proposed housing will have
22 two (2) or more bedrooms and was concerned that overcrowding schools wasn't addressed. Ms. Thomas
23 asked that the Commission consider a 25 – 50 foot easement or a 10 foot berm with trees so that they can
24 maintain the tranquility of their neighborhood. She also stated that the concern of the Pine Creek
25 neighborhood is that once the development is approved and Mr. Nixon can't find builders for the 1 acre
26 lots, he will once again request a change in the lot size which is why the easement is so important for those
27 abutting properties in the Pine Creek neighborhood. She asked the Commission to consider if they lived in
28 adjacent properties, would they approved the rezoning.
29

30 Patsy Williams, 5763 Dogwood Boulevard, stated that she has lived in the Dogwood neighborhood for 28
31 years and while she is not opposed to development, feels the proposed development is not in harmony with
32 the surrounding neighborhood. Ms. Williams provided statistics regarding average lots sizes in the
33 Dogwood neighborhood compared with those of the proposed development as well as the average home
34 tax value. She also voiced concern over the lack of open space, the increase in traffic as well as
35 overcrowding of the schools and an increased crime rate due to increase in population. Ms. Williams then
36 voiced concern over flooding on Dogwood and is afraid that the proposed development will increase that
37 flooding. She asked that the Commission deny the rezoning request.
38

39 Jim Hodgins, 6050 Dogwood Boulevard, stated that he has lived in the Dogwood neighborhood for 45
40 years and has seen a lot of changes in the area. Mr. Hodgins voiced concern over the size of the proposed
41 lot size and density for the townhome portion and cited the number of cars that would be added to the area.
42 He stated that quality development should be the focus and asked the Commission to deny until a better
43 plan is presented. Mr. Hodgins also pointed out that there is no way to ensure that home owners would not
44 decide to move and rent out their homes.
45

46 Scott Hester, 5640 Dogwood Boulevard, used the site plan still on the screen and directed the Commissions
47 attention to his property which will be bordered on two (2) sides by the proposed development. He stated
48 that his home sits on 10 acres with a pond as well as a wooded area. He appreciates Mr. Nixon's increased
49 buffer on one side of his property but pointed out that he has minimum buffers on the other side near the
50 proposed townhomes. Mr. Hester asked the Commission to consider increased buffering along the
51 townhome portion of the plan and thanked the Commission for their time.
52

1 Ronnie Lazenby, 5530 Dogwood Boulevard, stated that his property abuts to the proposed townhome
2 portion of the plan and he does not like the proposed lot size and asked that it be increased. Mr. Lazenby
3 also stated that parking is also going to be an issue and asked the Commission to take those points into
4 consideration and thanked them for their time.

5
6 Danny Smithson, 5540 Dogwood Boulevard, stated that his property abuts to the RC section of the proposed
7 plan. Mr. Smithson voiced concern over the site elevation and stormwater runoff. He stated that there has
8 been an increase of stormwater runoff when Kannapolis Parkway was elevated and cited four (4) drainage
9 pipes on Dogwood Boulevard that now capture existing run-off. Mr. Smithson asked for additional
10 stormwater runoff studies and the impacts to adjacent properties.

11
12 Robert Tucker, 5760 Dogwood Boulevard, stated that he owns a home on 70 acres in the Dogwood
13 neighborhood and is concerned about where the additional stormwater runoff is going to go. He stated that
14 he understands that it will be routed to Afton Run creek and wants to know how it will get there. Mr.
15 Burrage, used maps to depict where stormwater runoff will be directed and there was some discussion on
16 the location of silt ponds and routing to Afton Run creek. There was also some discussion about whether
17 the area was part of the wetlands. Chairman Baucom reminded everyone that the Commission's
18 responsibility is for rezoning only and not to determine if there are wetlands or how the stormwater will be
19 redirected. Mr. Tucker stated that the City has not done their due diligence with researching this project,
20 he has concerns over the buffers, the impacts on the schools and the traffic as well as the impact on the
21 environment.

22
23 Don Turner, 5510 Dogwood Boulevard, thanked the Commission for taking the time to listen to their
24 concerns and reminded them that they are making a decision that effects the future of residents in the Pine
25 Creek and Dogwood Boulevard. He stated that the proposed plan is not consistent with surrounding
26 neighborhoods and that all abutting properties are an acre or more. Mr. Turner stated that the owner has a
27 right to sell the property but feels the proposed plan is not a good fit. He asked the Commission to consider
28 if they lived in either of the Pine Creek or Dogwood neighborhoods, would they approve the proposed plan?
29 He stated that there will be stormwater impacts, overcrowding of the schools and increased traffic. He
30 asked the Commission to deny the rezoning request.

31
32 Denis Arnold, 3654 Richwood Circle, stated that he owns a home in the Pine Creek neighborhood on a two
33 (2) acre lot which abuts to the proposed development. He expressed concern over the lack of open space
34 for children to play as well as the commercial development portion not being articulated during the
35 presentation. Mr. Arnold also voiced his concern regarding the lack of entrances/exits and speculated that
36 no one would want to purchase homes proposed on the one (1) acre lots because they would have to drive
37 through the commercial and townhome portion of the development.

38
39 Charles Williams, 5763 Dogwood Boulevard, voiced concern over the increased traffic that would cut
40 through Dogwood Boulevard and cited examples. He asked if the plan were to be approved, that Low-
41 Density housing be required on all sides of the proposed development and thanked the Commission for
42 their time.

43
44 Chairman Baucom asked Mr. Nixon if he would like to address any of the concerns mentioned. Mr. Nixon
45 addressed amenities, open space, walking trails, parking, stormwater issues and stated that he believes he
46 has exceeded all requirements set forth by the City as well as community concerns. Mr. Burrage stated the
47 only change being requested is changing the existing O-I zoning on the parcel where the townhomes are
48 proposed to RC zoning.

49
50 Mr. Puckett asked if there will be a minimum build on the one (1) acre lots? Mr. Nixon stated that a
51 minimum build will be required and reiterated that they are trying to follow the Land Use Plan as well as
52 concerns expressed by the community and he feels that is being accomplished with his current plan.

1
2 Mr. Trott asked how long it would take to build out the attached homes in Phase 1. Mr. Nixon said that it
3 would take a couple years to complete. Mr. Trott asked if the homes do not sell the way they are anticipated,
4 what is the next step? Mr. Nixon stated that he will have a contract with a builder which is why he is
5 selective about his builders and requires his builders to be involved financially from the start of the project.
6

7 There being no additional comments or questions, Chairman Baucom closed the public hearing at 7:36 PM.
8

9 Chairman Baucom asked for a motion to approve or deny the Statement of Consistency. Mr. Steele made
10 a motion to approve which was seconded by Mr. Trott and the motion was unanimously approved.
11

12 Chairman Baucom read the Statement of Consistency into record.
13

14 Chairman Baucom asked for a motion to approve or deny the Resolution to Zone. Mr. Overcash made a
15 motion to deny the Resolution to Zone. Mr. Langen stated that if there is a motion to deny the Resolution
16 to Zone, the Commission would then also have to deny the Statement of Consistency. Chairman Baucom
17 asked Zac Gordon, Planning Director, to approach the podium and explain the motions. Mr. Gordon
18 reiterated what Mr. Langen said and that the Commission would have to go back to the Statement of
19 Consistency for a denial. Chairman Baucom decided to proceed with the motion that was on the floor and
20 asked for second to deny the Resolution to Zone.
21

22 There being no second to deny the Resolution to Zone, the motion does not carry. Chairman Baucom
23 entered a motion to approve the Resolution to Zone and asked for a second which was made by Mr. Caison
24 the motion and was approved with a 5-1 vote with Mr. Overcash casting the dissenting vote.
25

26 Chairman Baucom requested a 5 minute recess at 7:42 PM.
27

28 **TA-2016-01 – Sign Standards, Institutional and Civic Uses – Text Amendment**

29 Planning Director, Zac Gordon made a PowerPoint presentation regarding case #TA-2016-01 which is a
30 text amendment to Article 12, Sign Standards, Table 12.1-1, Table 12.1-2 and Table 12.1-3 of the UDO.
31

32 The proposed text amendments (Exhibit 1) would add signage standards for Institutional and Civic Uses in
33 the C-2, O-I, C-1, CD, I-1, I-2, B-1, CC, TND and PUD Zoning Districts. Current standards for these uses
34 are only found in Table 12.1-4, which address signage in Residential Districts (AG, RE, RL, RM-1, RM-2,
35 RV, RC, PUD and TND). Planning staff believes it is important that the UDO includes standards for
36 Institutional and Civic Uses in “Non-Residential” as well as “Residential” zoning districts.
37

38 Mr. Gordon reminded the Commission of actions required by them and asked if there were any questions.
39

40 Mr. Trott asked for confirmation of the changes and Mr. Gordon provided that clarification.
41

42 Chairman Baucom asked for a motion to approve or deny recommending TA-2016-01 to City Council for
43 approval. Mr. Steele made the motion to approve recommendation to City Council which was seconded
44 by Mr. Trott and the motion was unanimously approved.
45

46 Chairman Baucom asked for a motion to approve the Statement of Consistency for the proposed text
47 amendment which was made by Mr. Puckett, seconded by Mr. Steele and the motion was unanimously
48 approved. Chairman Baucom then read the Statement of Consistency into the record.
49
50

51 **FARM HILL SMALL AREA PLAN**

52 Mr. Gordon made a PowerPoint presentation regarding the Farm Hill Small Area Plan (FHSAP). The plan
53 calls for a transition from the study area’s current low-density residential land use pattern to a higher

1 intensity non-residential land use pattern featuring a mix of commercial, hotel, office and residential uses
2 over the next 10 – 15 years. The purpose of the plan is to provide land use and transportation policy
3 guidance for new development, transportation, and infrastructure investment decisions within the FHSAP
4 Study Area.

5
6 Mr. Gordon reminded the Commission of actions required by them and asked if there were any questions.

7
8 Mr. Trott asked whether Afton Ridge would be extended to connect with Utz Road? Mr. Gordon responded
9 that once development begins and traffic increases, NCDOT will address the need to connect roads.

10
11 Chairman Baucom remarked that it was a good plan and is needed for growth in Kannapolis. He thanked
12 Mr. Gordon and the Planning staff for their work.

13
14 Chairman Baucom made the motion to recommend the FHSAP to City Council for approval which was
15 seconded by Mr. Puckett and the motion was unanimously approved.

16
17 **PLANNING DIRECTOR UPDATE**

18 Mr. Gordon stated that the Senior Planner position has been filled and that the person hired will be on board
19 by end of March.

20
21 The scope of work for the Comprehensive Plan should be completed by the end of April and will be
22 submitted to the Commission for their review and input, prior to the scope being issued as part of a "Request
23 for Qualification (RFQ)". The goal is to have a consultant on board to begin work by early fall.

24
25 A presentation will be made to City Council for downtown development on March 28, 2016.

26
27 Mr. Gordon invited the Commission to visit City Hall and to tour the new facility.

28
29 **ADDITIONAL ITEMS:**

30 Mr. Gordon reminded Mr. Trott and Mr. Steele that their Commission terms are due to expire and asked if
31 either were willing to serve another term? Both Mr. Trott and Mr. Steele expressed their desire to serve
32 another term.

33
34 **ADJOURN:**

35 There being no further business, questions or comments, the meeting adjourned at 8:42 PM on Wednesday,
36 March 2, 2016.

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David Baucom, Chairman
Planning and Zoning Commission



Pam Scaggs, Recording Secretary
Planning and Zoning Commission